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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,620	12/06/2001	Jeffrey David Shelley	KCC-15,814	6625
35844	7590	01/15/2004	EXAMINER	
PAULEY PETERSEN KINNE & ERICKSON			COLE, ELIZABETH M	
2800 WEST HIGGINS ROAD				
SUITE 365			ART UNIT	
HOFFMAN ESTATES, IL 60195			PAPER NUMBER	
			1771	

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

10/010,620

Applicant(s)

SHELLEY ET AL.

Examiner

Elizabeth M Cole

Art Unit

1771

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 2 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_.

  
Elizabeth M Cole  
Primary Examiner  
Art Unit: 1771

Continuation of 2. NOTE: The proposed amendment raises new issues by changing the scope of the claims by deleting the limitation that the first and second layers are bonded.

Continuation of 5. does NOT place the application in condition for allowance because: The arguments rely on the unentered amendment. Additionally, it is noted that it is not required for the process of Kane to be bodily incorporated into the process of Arnold. Arnold discloses a method of providing suitable integrity to a nonwoven fabric that it may be further processed. Arnold teaches that these fabrics may be combined with other nonwoven fabrics to form multi-layered fabrics. Arnold teaches that the fabrics are particularly desirable because they are lofty. Arnold does not teach that one of the layers should comprise crimped filaments. Kane teaches that crimped filaments may be formed by forming a layer of crimpable fibers and then heat activating the latent crimp in order to form the crimped fiber layer. The claims as currently presented do not require that crimped layer either be formed directly on the first layer or that it be crimped directly on the first layer. The claim require forming a first nonwoven layer having sufficient integrity to withstand high speed web transfer rates. Arnold teaches this step. The claim then requires creating a lofty second layer having crimped homofilament fibers. Kane teaches this step and teaches that such fabrics are particularly lofty. The claim then requires that the second layer be traversed through a flow of heated at a temperature flow rate and traversal rate sufficient to heat set the crimps of the fibers without substantial melt bonding or relaxation of the fibers. Again Kane teaches this step. Finally, the claim requires bonding the heat set second layer and the first layer to sufficient structural integrity to withstand high speed web transfer rates. Arnold teaches that additional layers may be bonded to the web. Therefore, it is the examiner's position that the combination of the teachings of Arnold and Kane would have led one of ordinary skill in the art to employ the loft nonwoven fabric of Kane as one of the nonwoven layers in Arnold.